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November 17, 2003

VIA HAND DELIVERY

Ms. Deborah Taylor Tate, Chairman
TENNESSEE REGULATORY AUTHORITY
460 James Robertson Parkway
Nashville, Tennessee 37243

***Re: Petition by the Tennessee Telecommunications Association to Exempt Voice
Messaging from Regulation, Docket No. 00-00823.***

Dear Chairman Tate:

Enclosed for filing in the above-styled matter are the original and thirteen copies of Tennessee Telecommunications Association's Withdrawal of Petition in Light of Developments Clarifying that the Petition is Moot. Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above.

Thanking you in advance for your assistance with this matter, I am

Very truly yours



R. Dale Grimes

RDG/ts
Enclosures

cc: Richard Collier, Esq.
Randal Gilliam, Esq.
Timothy C. Phillips, Esq.

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Petition by the Tennessee Telecommunications Association to Exempt Voice Messaging from Regulation*

Docket No. 00-00823

**WITHDRAWAL OF PETITION IN LIGHT OF
DEVELOPMENTS CLARIFYING THAT THE PETITION IS MOOT**

Petitioners in the above-reference docket ("Petitioners") hereby withdraw their Petition in light of the Tennessee Regulatory Authority's ("TRA" or "Authority") recent order clarifying that the relief sought is not needed and that the petition is therefore moot.

On September 21, 2000, Petitioners filed their petition to deregulate voicemail, seeking, pursuant to T.C.A. § 65-5-208(b), to deregulate voicemail services. In support of their petition, Petitioners cited the substantial competition, including intermodal competition, regarding these services.

On May 5, 2003, the TRA entered an order in Docket No. 03-00230, *Complete Choice Plus Voice Mail Promotion*, in which the Authority properly recognized that voicemail is not a telecommunications service, but rather is an information service, citing Common Carrier Action, *Commission Submits Report to Congress on Universal Service*, CC Docket 96-45, 1998 FCC LEXIS 1726 ¶ 75 (April 10, 1998). In light of the Authority's clear recognition that voicemail is not a telecommunications service, it has been made clear that the Petition to exempt voicemail from regulation is unnecessary. Moreover, it is clear that § 65-5-208(b) is inapplicable to voicemail because voicemail is not a telecommunications service.

The Order in Docket No. 03-00230 constitutes the Authority's most recent articulation of the correct classification of voicemail. That pronouncement, specifically the recognition that voicemail is not a telecommunications service, renders the relief sought in the Petition unnecessary and clarifies that T.C.A. § 65-5-208(b) is inapplicable to this service.

For the foregoing reasons, Petitioners respectfully withdraw the Petition and request that the Authority close the docket opened for its consideration.

Respectfully submitted,



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*Attorneys for Tennessee Telecommunications
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on the following counsel of record, via first class U.S. Mail, postage prepaid, on November 17, 2003:

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